



**OPASTCO**

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November 1, 2004

Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

***Ex Parte Notice***

**RE: In the Matter of**

**Vonage Holdings Corp. Petition for Declaratory Ruling Concerning an  
Order of the Minnesota Public Utilities Commission  
WC Docket No. 03-211**

**IP-Enabled Services  
WC Docket No. 04-36**

Dear Ms. Dortch,

On November 1, 2004, David Zesiger from the Independent Telephone and Telecommunications Alliance (ITTA), Jill Canfield from the National Telecommunications Cooperative Association (NTCA), John Rose, Stuart Polikoff and Randy Tyree from the Organization for the Promotion and Advancement of Small Telecommunications Companies (OPASTCO), and Jay Driscoll from the Western Telecommunications Alliance (WTA) met with Commissioner Kevin Martin. The four associations believe that it would not be prudent for then FCC to issue a declaratory ruling on the jurisdiction of Voice Over Internet Protocol (VoIP) services in response to the Vonage petition. A premature, piecemeal decision on the jurisdictional nature of VoIP services would have serious consequences for a variety of key policy issues affecting rural incumbent local exchange carriers (ILECs), such as universal service and intercarrier compensation. In particular, a ruling that VoIP services are jurisdictionally interstate could disallow state commissions from requiring VoIP providers to pay intrastate access charges and contribute to state universal service funds. This would impact rural ILECs' ability to recover their costs, which could lead to local end user rate increases and/or a decline in service quality in rural areas. Therefore, the four associations urged that the FCC wait to address the appropriate jurisdictional treatment of

VoIP services in the proceeding on IP-Enabled Services, where a comprehensive and integrated solution can be reached that considers every facet of this complex issue.

We handed the Commissioner a copy of a letter that we previously filed on October 15. In accordance with FCC rules, this notice and the attached letter are being filed electronically in the above-captioned dockets.

Sincerely,

Stuart Polikoff  
Director of Government Relations  
OPASTCO